

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ARTHUR J.M. BATTLE, III,

No. 2:20-cv-1851-EFB P

Petitioner,

ORDER

v.

UNKNOWN,

Respondent.

Mr. Battle is a state prisoner proceeding without counsel. This action was opened when he filed a letter with the court stating that his criminal trial was unfair. ECF No. 1. He has not properly commenced a civil action. To commence a civil action, a party must file a complaint or a petition. Fed. R. Civ. P. 3; Rule 3, Rules Governing § 2254 Cases; *Woodford v. Garceau*, 538 U.S. 202, 203 (2003). Mr. Battle's letter constitutes neither.

If Mr. Battle wishes to challenge a judgment of conviction entered against him in state court, he must file an application for a writ of habeas corpus using this court's form petition. In addition, Mr. Battle must either file an in forma pauperis affidavit or pay the required filing fee (\$5.00). *See* 28 U.S.C. §§ 1914(a); 1915(a). Until Mr. Battle submits a petition and either pays the filing fee or meets the requirements of 28 U.S.C. § 1915(a), there is simply no case before the court.

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1 Accordingly, it is hereby ORDERED that:

2       1. The Clerk of the Court shall send to Mr. Battle the court's forms for application for  
3 writ of habeas corpus and application for leave to proceed in forma pauperis.  
4       2. Within 30 days from the date of service of this order, Mr. Battle shall either pay the \$5  
5 filing fee or submit a complete application for leave to proceed in forma pauperis using the form  
6 provided.  
7       3. Within 30 days from the date of service of this order, Mr. Battle shall file a petition for  
8 writ of habeas corpus using the form provided.  
9       4. Failure to comply with this order may result in this case being closed.

10 DATED: September 21, 2020.

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12 EDMUND F. BRENNAN  
13 UNITED STATES MAGISTRATE JUDGE  
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